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# Book Note: Hate Crimes in Cyberspace, by Danielle Keats Citron

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## Book Note

### HATE CRIMES IN CYBERSPACE, by Danielle Keats Citron<sup>1</sup>

HONGYI GENG

ANY ACTIVE INTERNET USER has inevitably encountered negative comments while browsing various online forums. These comments range in substance from innocuous expressions of displeasure to offensive and profane thoughts. The interconnected nature of the Internet has promulgated an escalation of offensive conduct targeted at individuals. Cyber harassment cases, for example, have become ubiquitous, resulting in grave consequences for victims. Under the guise of free speech, this behaviour is often accepted or ignored, as the Internet is viewed as a forum where socially acceptable rules of engagement do not apply.

Although online regulation has become a contentious topic, in *Hate Crimes in Cyberspace*, Danielle Keats Citron rejects the view that anything goes in cyberspace. Using numerous real-life examples of cyber harassment and drawing parallels between the workplace harassment and domestic violence movements, she argues that cyber harassment is a matter of civil rights law that must be taken seriously and fought against.

The book is divided into two parts. In part one, the author sets the foundation for her main argument in part two—that a more robust set of legal regulations is needed.

Chapter one details three harrowing accounts of cyber harassment respectively faced by a tech blogger, law student, and female victim of revenge porn. These stories form a common thread that weaves through the book, exemplifying the devastating ramifications of cyber harassment. Chapter two examines how certain characteristics of the Internet foster an environment in which destructive online behaviour manifests. Anonymity, group mobilization, and polarization empower users to radicalized behaviour that is further exacerbated by the infrastructure of the Web. In chapter three, however, Citron emphasizes that societal attitudes

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1. (Cambridge, Mass: Harvard University Press, 2014) 352 pages.

towards cyber harassment remain the barrier to change. Victims are often blamed for their participation in online activities or for generating the content themselves. The author relates the trivialization of their injuries to the trivialization of the injuries faced by workplace harassment and domestic violence victims.

In part two, Citron uses the victory of the two civil rights movements already mentioned to demonstrate how the problem of cyber harassment can be solved. She also promotes specific legal reforms that would offer more protection for victims while balancing free speech considerations. In the fourth chapter, Citron begins this objective by charting the path to victory for the aforementioned movements while highlighting the progress made in the fight against cybercrime. She argues that because the two movements gained momentum due to shifting societal perceptions, equality in cyberspace is best achieved by targeting the core societal attitudes outlined in chapter three. Chapter five begins with an overview of the legal remedies available to cybercrime victims. Both tort and criminal law provide some recourse but remain inadequate in addressing the entirety of harm suffered by victims. The author turns to civil rights law as a remedy to these deficits and explains the powerful role that it can play.

In chapters six and seven, Citron proposes a set of interconnected suggestions for reform. Chapter six is focused on legal reform targeted at perpetrators, while chapter seven looks at solutions aimed at website operators and employers. Key suggestions, such as broadened state laws that capture cyber harassment and employment policies that prevent use of online information for discrimination, are advanced as plausible solutions. Chapter eight analyzes whether these suggestions would survive constitutional scrutiny in light of the entrenched commitment to free speech in the First Amendment. Citron argues that a balancing act between protecting victims and promoting free speech can be achieved, as the impugned speech is subject to less rigorous protection under the First Amendment. Citron ends the book in chapter nine by exploring the role for citizens and companies in the fight against cyber harassment.

This book provides a timely exposition into a pressing issue. By exploring the gravity of harm faced by victims and the lack of recourse available, Citron demonstrates an urgent need for tools that lead to justice. More importantly, this book represents a call to action, strongly advocating for society to reframe the discourse and move towards change.